

## IPSWICH PLANNING BOARD MEETING MINUTES

Thursday, June 23, 2016, 7:30 p.m.

Pursuant to a meeting notice posted by the Town Clerk and delivered to all Board members, a meeting of the Ipswich Planning Board was held on Thursday, June 23, 2016 in Room A, 2nd floor of Town Hall. Board members Heidi Paek, Keith Anderson, Kathleen Milano, Cathy Chadwick, Jay Stanbury and Associate member, Carolyn Britt, attended. Ethan Parsons, Senior Planner, also attended.

Paek convened the meeting at 7:31 with a quorum present.

### **Announcements:**

At the request of the Town Moderator, Paek announced that there are available positions on the Open Space and the Climate Change committees.

Paek announced that tonight is Cathy Chadwick's final meeting as a member after serving for the past 10 years. She has hardly missed any meetings in this time and has helped out immensely by volunteering in the office and serving on other boards as well. Chadwick said it was an honor to serve and the Board will be left in very capable hands. She said she looks forward to sharing other committee matters with the Board and vice versa.

### **Citizens' Queries:**

None

### **Adopt Minutes of April 14, 2016 meeting**

*Stanbury moved to approve the minutes. Chadwick seconded. The motion passed unanimously.*

#### *Documents:*

*- Draft minutes of April 14, 2016 meeting*

### **10-12 Market Street Special Permit Request for Minor Modification**

Parsons explained that the front window configuration has changed slightly and said that in his opinion this qualifies as a minor modification as it doesn't alter the size of the building.

*Stanbury moved to find that this is a minor modification. Milano seconded. The motion passed unanimously.*

*Chadwick moved to approve the minor modification as presented. Stanbury seconded. The motion passed unanimously.*

#### *Documents:*

*- Sheet A6 (Roof Plan) and Sheet A7 (Exterior Elevations), prepared by nolan savoie Architects LLC, 5/26/16*

## **Approval Not Required Plan, 31 Fox Creek Road and 151 Labor in Vain Road**

Paek stated that subdivision rules do not apply in this case.

*Anderson moved to approve the ANR finding that subdivision control does not apply. Chadwick seconded. The motion passed unanimously.*

### *Documents:*

*- Plan of Land in Ipswich- 31 Fox Creek Road (3 sheets), prepared by Donohoe Survey, Inc., 5/20/16*

**New Public Hearing: Request by the Great Escape for a Special Permit for a proposed retail establishment at 78 Turnpike Road**, which is located in the Planned Commercial District, pursuant to Section V and XLJ of the zoning Bylaw.

Paek read the public notice and appointed Britt as a voting member on this application due to Chadwick's resignation. Laine Chaise was present to represent the Great Escape. Mr. Chaise said that he owns a retail establishment selling patio furniture, fire places, and other goods. Eventually he would like to open an ice cream shop but that would be coming in the future. He said the hours would be approximately 10AM-7PM weekdays, 10AM-5PM Saturdays and Sundays would be 11AM-4PM. They will have outdoor displays but they would not be near the street. The deliveries would come and go from behind the building. There is a storage unit behind the business space where they would store items. They also have a building in Newburyport where they store a large amount of items. There will be two employees in this location. Chaise noted this is not a high traffic store. The Town has allowed them to open with a temporary certificate of occupancy. The original sign is remaining, and he will be applying for a permit and follow the regulations for a permanent sign. Stanbury asked whether this application was strictly for a retail store or retail and the ice cream shop. Chaise said he was told there was no need for a special permit for the ice cream store. The Board requested more detail on the outdoor display area. Stanbury asked if the parking supply was adequate for the proposed use. Staff will look into this. Paek requested a site plan with the building layout, sign locations and design, and indicated designated parking for the business. Paek asked if there were any further comments and as there were none she requested a motion to continue the public hearing.

*Milano moved to continue the public hearing. Anderson seconded. The motion passed unanimously.*

### *Documents:*

*- Special Permit application, filed with Town Clerk 5/26/16*

*- First floor plan, 78 Turnpike Road, filed with Town Clerk 5/31/16*

**New Public Hearing: Request by Tom Kulevich and Rick Cohen for a Special Permit for a proposed wall sign at 95 Turnpike Road**, which is located in the Planned Commercial District, pursuant to Section VIII and XIJ of the Zoning Bylaw.

Paek read the public hearing notice to open the hearing. Tri-City sales is seeking a Special Permit for a wall sign that exceeds the allowable area. Paek designated Britt to vote on this matter due to Chadwick's resignation. Brian Binkers from ACME Sign Company, and Rick Cohen and Tom Kulevich, from Tri-City Sales, appeared before the Board. Tri-City Sales will be occupying the entire building at 95 Turnpike Road and as a result the sign will be placed in the middle of the building. There were questions about the manner of mounting the sign. There is a walkway area between the parking lot and entrance to the

building that is about 8 feet deep and covered. The sign is proposed to be mounted on the roof of the covered portion. Stanbury asked if roof mounted signs were prohibited. He said this looks like a roof mounted sign. Anderson said the mounting location was discussed when the building was initially approved, noting the Board thought there would be more, smaller signs, but that was the area that was discussed. Paek said this sign is raised and forward not mounted flat against the wall. Paek said there are no other stores in this lot so the free-standing sign will do the bulk of identification. Binkers said that the building will dwarf a conforming sign and it would look odd. Paek disagreed. Milano asked if the Tri-City Sales name on the free-standing sign could be made a bit bigger. Tri-City could then advertise what brands they sell on the windows. Anderson explained the Board is trying to identify ways to give Tri-City more visual presence without the large sign mounted on the building. Cohen felt the sign on the building would draw people's attention quite a bit. Paek explained the Board would like to see a smaller sign on the building and suggested that as a compromise they could explore expanding their free-standing sign. She thanked Tri-City for being a long term Ipswich business and moving into this building but said she wanted to make sure the signs were consistent with the character of the Town in that location. The applicant was open to exploring options and finding compromise. Paek asked them to return with a different design. Anderson reiterated that he has less of an issue with the mounting manner but has a problem with its size. Parsons will prepare a draft decision for next meeting. Paek asked if there were any further comments and hearing none she requested a motion to continue the public hearing.

*Anderson moved to continue the public hearing. Milano seconded. The motion passed unanimously.*

*Documents:*

- Special Permit application, dated 5/17/16
- Tri-City Sales sign drawing, prepared by ACME Sign, 5/1/16

**Continued Public Hearing: Request by Jonathan & Nicole Robie for a Special Permit and Site Plan Approval for a 10-unit multifamily development at 48 Market Street** (Assessor's Map 42A, Lot 201), which is located in the Central Business District, pursuant to but not limited to *Sections V, VI.B and Footnote 11, X and XI.J*, of the Zoning Bylaw.

Nicole Robie, 25 Heartbreak Road, and Richard Griffin, architect, appeared before the Board. Paek summarized the new materials received. Cammett Engineering submitted comments and they were fairly straightforward. The applicant has responded to these comments. Griffin explained that changes to the design were very minor. Paek said in her view the architecture is fine. It has been nicely refined as they moved along. Robie will need approval from the Selectmen to remove a parking space and this will appear on their agenda on July 11<sup>th</sup>. Paek reiterated the project's significant public benefit: a \$15,000 payment to the Affordable Housing Trust and one unit affordable. Britt asked about exterior lighting. Griffin confirmed some are mounted under an overhang and there are some freestanding lights. Paek asked if the Board had any concerns. None were raised. Anderson wanted to encourage the Selectmen to allow the removal of the parking space so this project can go forward. The Board asked Parsons to draft a decision for the next meeting. Paek asked if there were any further comments and hearing none she requested a motion to continue the public hearing. She also asked for a motion to extend the Board's hearing schedule for acting on the application.

*Stanbury moved to extend the schedule for acting on the application until July 25<sup>th</sup>. Anderson seconded. The motion passed unanimously.*

*Anderson moved to continue the public hearing. Chadwick seconded. The motion passed unanimously.*

*Documents:*

- *Stormwater Management Report to Accompany Site Plan, prepared by Gateway Consultants, Inc., 4/5/16, revised 6/14/16*
- *Letter from John P. Judd, PE, to Woodberry C. Cammett, PE, dated 6/14/16*
- *Architectural Plans, prepared by Richard W. Griffin, 6/1/16*
  - *DD-100: Landscape and Lighting Plan Street Level*
  - *DD-101: Landscape and Lighting Plan Parking Level*
  - *DD-102: Site Sections*
  - *DD-103: Floor Plans*
  - *DD-104: Elevations*
  - *DD-105: Elevation Detail*
  - *DD-106: 3D Street Views*
  - *DD-107: 3D Design Views*
  - *Exterior light fixture details (SK-005, SK-005A, SK-005B, SK-006, SK-006A, SK-006B, SK-007, SK-007A, SK-007B)*
  - *SK-009: Tree Detail*
  - *SK-011: Bollard Detail*
  - *SK-012: Key map of abutters*
  - *SK-012: Van parking sign*
- *Site Plans, prepared by Gateway Consultants, Inc., revised 6/14/16*
  - *Sheet 1 of 4: Existing Conditions*
  - *Sheet 2 of 4: Site Plan*
  - *Sheet 3 of 4: Details & Sections*
  - *Sheet 4 of 4: Construction Period Pollution Prevention and Erosion Control*

**Continued Public Hearing: Request by James Zabelski for a Special Permit for the proposed conversion of an accessory structure into a dwelling unit at 15 Estes Street** (Assessor's Map 42A, Lot 187), which is located in the Intown Residence District, pursuant to Section IX.P and XI.J, of the Zoning Bylaw.

James Zabelski, applicant, and David Jaquith, architect, appeared before the Board. It was noted that the Fire Chief has sent a memo requesting a 20-foot wide driveway to within 50 feet of the converted structure. An abutter, Sharon Leblanc, has sent letters on the project. Jaquith presented a new site plan with the additional width. He confirmed that 27% of the lot is green space. Paek said that her impression from the site visit is that this is certainly a barn in complete disrepair. She is pleased to learn that the applicant intends to not have building materials there and he has rented garage space elsewhere for his business. Paek felt it was important that this remain a residential use. She noted there is a long term plan for pavement. She said she has concerns about too much pavement and would prefer hard pack instead. Anderson agreed that the building condition justifies a tear down and rebuild. He is glad there is a plan to fence the property line. He has two concerns: parking and the fact that this project entails essentially building another house on the lot. Paek said they needed to have a conversation about a payment to the Affordable Housing Trust in lieu of making the dwelling affordable or for family member occupancy. The applicant stated he was planning to pay \$10,000 to the Trust. Milano noted that the plan showed 9 parking spaces. Jaquith said the parking space in front of the stairs has been removed and that space could be used for snow storage. Paek said that provided that this Special Permit is approved she wanted to make sure that there were no plans to expand the garage storage space. It was confirmed it would always be part of the one family home. Paek asked about the property line shared with Leblanc. The lines would be pinned by a surveyor if this project ends up being approved so this would be clear. Stanbury asked if this building needed to conform to setbacks. Parsons said the zoning bylaw allows for alterations which do not increase the nonconforming nature of pre-existing nonconforming structures.

Sharon Leblanc, 19 Estes Street: Asked for confirmation that the business uses will be moved off site. It was confirmed all business use is being moved off site. LeBlanc expressed concern about construction vehicles parking on her property. She said Mr. Zabelski has been a nice neighbor and she doesn't have a problem with him. Mr. Zabelski said there would be no trespassing in any way, and he would communicate this to his visitors. LeBlanc asked about lead paint abatement. It was confirmed that if there was any there were state laws that would cover this.

Paek asked for a sense of the Board. Stanbury said his main concern was the community benefit but with the payment he is satisfied this will be met. The building is in tough shape and he feels that overall this project is a benefit. Paek said she is concerned about material in the driveway and the parking lot if it were to become impervious. Leblanc asked if the plows would be relocated as well. Paek said the goal would be to limit the site so it appears like a residential property. Milano asked if people pick up work trucks at his property. Zabelski said he usually picks up his employees and drops them off. Anderson said the decision should be worded in a way that ensures this is more of a residential property than business. He said the Board should work on how this should be worded in the draft decision to be reviewed at the next meeting. He also asked about lighting specifications and it was confirmed lighting has not been changed since the original plan. Leblanc asked what would happen if the fence along her property line is destroyed. A fence along this line will be a condition of approval should the Board grant the Special Permit. Paek asked if there were any further comments. Hearing none she asked for a motion to continue the public hearing.

*Anderson moved to continue the Public Hearing. Milano seconded. The motion passed unanimously.*

*Documents:*

- Memo from Gregory Gagnon, Fire Chief, 6/8/16
- Emails from Sharon Leblanc to E. Parsons, 6/13/16, 6/20/16
- Site Plan, prepared by David Jaquith, AIA, revised through 6/23/16

**Continued Public Hearing: Request by Craig Bergeron for a Special Permit for the proposed conversion of an accessory structure into a dwelling unit at 135 Topsfield Road** (Assessor's Map 53A, Lot 4), which is located in the Rural Residence District, pursuant to Section IX.P and XI.J, of the Zoning Bylaw.

Paek reminded the Board of the application status and said that the project appears to make sense for a conversion. Craig Bergeron appeared before the Board to discuss the project. Anderson said he has no concerns about the project moving forward. Bergeron explained he was looking to add a parking space just beyond the barn. The Board asked Parsons to prepare a draft decision for the next meeting. Paek asked if there were any further comments. Hearing none she asked for a motion to continue the public hearing.

*Milano moved to continue the public hearing. Anderson seconded. The motion passed unanimously.*

*Documents:*

- Memo from Gregory Gagnon, Fire Chief, 6/8/16

**General Business:**

Discussion on zoning amendments for the Fall Town Meeting. The Board is proposing three articles: a revised sign bylaw, housing-related amendments and miscellaneous amendments. Parsons explained the draft changes to the sign bylaw. New sections are being proposed. Paek asked how signs with scrolling

text would be handled, noting there are such signs in town including at the middle and high school. Stanbury suggested listing prohibited signs. Anderson suggested finding a way to be sensitive with setback requirements so that if a new business were to site in a location where existing free-standing signs were installed close to the street the new business would not be at a disadvantage. Parsons said he understands, but supports establishing limits and then allowing for a special permit for unique situations. Paek would like to see examples of signs that meet the proposed requirements. Stanbury recommended engaging with the business community. Parsons said staff plans to reach out to various stakeholders. Chadwick said many business owners don't live in town and may have a hard time finding the information on public hearings. Britt asked if wayfinding signs should be included along with flag signs. These are not in the definitions. Britt also asked about real estate signs and political signs. Parsons explained that he has considered these. Stanbury complemented Planning Intern Alex on her significant contributions.

Paek said the intention of the housing article is to make sure certain housing provisions work the way they are intended. With certain sections that are working well the goal is to expand their applicability to encourage further housing creation. The Board asked staff to look into historic preservation as a community benefit under Section 6, footnote 11. Parsons reminded the Board that it has some authority to preserve historic buildings under the current bylaw. The Board discussed potential changes to the conversion of accessory buildings into dwelling units, including adding a requirement that the property owner must reside on the property. The Board was not in unanimous agreement that this requirement should be included in the article. The Board discussed the proposed infill housing modifications. The goal would be to expand the number of potentially subdividable lots. Currently there are 19 lots that meet the bylaw requirements. The proposed changes could allow an additional 18 lots. Miscellaneous changes include creating a definition for mixed use to help clarify the bylaw. The Board agreed the definition change makes sense. The other miscellaneous change is to expand Section 6, footnote 24 to include an exemption for small scale retail establishments. This is already allowed for personal and consumer service establishments and it should also include retail, which is a similar intensity use.

*Anderson moved to initiate the sign regulations, housing-related and miscellaneous articles to the Board of Selectmen. Chadwick seconded. The motion passed unanimously.*

*Documents:*

- *Memo from Planning staff to Planning Board, Re. Potential Zoning Amendments- 2016 Special Town Meeting, 6/21/16*
- *Modifications to Housing-related Provisions, draft 6/21/16*
- *Sign Bylaw Rewrite, draft 6/21/16*
- *Miscellaneous Zoning Revisions, draft 6/21/16*

**Adjournment:** *Stanbury moved to adjourn the meeting at 10:50 p.m. Chadwick seconded. The motion passed unanimously.*

Respectfully submitted by Jennifer Dionne

The Board approved these minutes on September 1, 2016